

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

STRIKE 3 HOLDINGS, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>2:19-cv-03438-GEKP</u>
)	
v.)	
)	
DAVID DOUGHTY,)	
)	
Defendant.)	
)	

**FIRST AMENDED COMPLAINT-ACTION FOR DAMAGES FOR
PROPERTY RIGHTS INFRINGEMENT**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), a Delaware limited liability company with its principal place of business located at 2140 S. Dupont Highway, Camden, Delaware 19934, brings this First Amended Complaint against Defendant, David Doughty (“Defendant”), and alleges as follows:

Introduction

1. This is a case about the ongoing and wholesale copyright infringement of Plaintiff’s motion pictures by Defendant.
2. Plaintiff is the owner of award winning, critically acclaimed adult motion pictures.
3. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. With more than 20 million unique visitors to its websites each month, the brands are famous for redefining adult content, creating high-end, artistic, and performer-inspiring motion pictures produced with a Hollywood style budget and quality.
4. Defendant is, in a word, stealing these works on a grand scale. Using the BitTorrent protocol, Defendant is committing rampant and wholesale copyright infringement by downloading

Strike 3's motion pictures as well as distributing them to others. Defendant did not infringe just one or two of Strike 3's motion pictures, but has been recorded infringing 61 movies over an extended period of time.

5. Although Defendant attempted to hide this theft by infringing Plaintiff's content anonymously, Defendant's Internet Service Provider ("ISP"), Verizon Online LLC (Verizon Fios), identified Defendant through his IP address 98.111.145.161.

6. This is a civil action seeking damages under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").

Jurisdiction and Venue

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

8. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address ("IP address") traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this First Amended Complaint in this State; (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

9. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this District because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant resides or may be found in this District.

Parties

10. Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy,

Camden, DE.

11. Defendant, David Doughty, is an individual residing at 429 Fitzgerald St. Philadelphia, PA 19148.

Factual Background

Plaintiff's Award-Winning Copyrights

12. Strike 3's subscription-based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

13. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year." One of Strike 3's owners, three-time director of the year Greg Lansky, has been dubbed the adult film industry's "answer to Steven Spielberg."

14. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

15. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the world.

Defendant Used the BitTorrent File Distribution Network to Infringe Plaintiff's Copyrights

16. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to

connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

17. To use BitTorrent to download a movie, the user has to obtain a “torrent” file for that movie, from a torrent website. The torrent file contains instructions for identifying the Internet addresses of other BitTorrent users who have the movie, and for downloading the movie from those users. Once a user downloads all of the pieces of that movie from the other BitTorrent users, the movie is automatically reassembled into its original form, ready for playing.

18. BitTorrent’s popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables users, without Plaintiff’s authorization, to take Plaintiff’s motion pictures, which are often filmed in state of the art 4kHD, and transfer them quickly and efficiently. Moreover, BitTorrent is designed so that the more files a user offers for download to others, the faster the user’s own downloads become. In this way, each user benefits from illegally distributing other’s content and violating copyright laws.

19. Each piece of a BitTorrent file is assigned a unique cryptographic hash value.

20. The cryptographic hash value of the piece (“piece hash”) acts as that piece’s unique digital fingerprint. Every digital file has one single possible cryptographic hash value correlating to it. The BitTorrent protocol utilizes cryptographic hash values to ensure each piece is properly routed amongst BitTorrent users as they engage in file sharing.

21. The entirety of the digital media file also has a unique cryptographic hash value (“file hash”), which acts as a digital fingerprint identifying the digital media file (*e.g.*, a movie). Once infringers complete the downloading of all pieces that comprise a digital media file, the BitTorrent software uses the file hash to determine that the file is complete and accurate.

22. Defendant used the BitTorrent file network to illegally download and distribute Plaintiff's copyrighted motion pictures.

23. Plaintiff's investigator, IPP International U.G. ("IPP"), established direct TCP/IP connections with the Defendant's IP address, as outlined in Exhibit "A", while Defendant was using the BitTorrent file distribution network.

24. While Defendant was infringing, IPP downloaded from Defendant one or more pieces of the digital media files containing Strike 3's motion pictures listed in Exhibit "A" (hereinafter the "Works").

25. A full copy of each digital media file was downloaded from the BitTorrent file distribution network, and it was confirmed through independent calculation that the file hash correlating to each file matched the file hash downloaded by Defendant.

26. Defendant downloaded, copied, and distributed a complete copy of each of Plaintiff's Works without authorization.

27. At no point was Plaintiff's copyrighted content uploaded by IPP to any BitTorrent user.

28. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted Works.

29. Defendant's infringement is continuous and ongoing. Absent this lawsuit, Plaintiff knows of no way to effectively prevent Defendant from infringing Plaintiff's motion pictures.

30. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

31. The United States Copyright Office registration information for the Works,

including the registration number, is outlined on Exhibit A.

32. Plaintiff is entitled to seek statutory damages and attorneys' fees under 17 U.S.C. § 501 of the United States Copyright Act.

***Discovery Will Likely Show that Defendant is the Individual Who Infringed Plaintiff's
Copyrighted Works***

33. Plaintiff's logged BitTorrent network activity emanating from Defendant's IP address. Collectively, this evidence is referred to as the "Additional Evidence."

34. The Additional Evidence contains content which correlates to Defendant's publicly declared interests.

35. Defendant's social media profiles establish that he "likes" Dune (the movie).

36. Plaintiff's Additional Evidence lists a work titled "Dune library."

37. Defendant's social media profiles also establish that Defendant is a fan of the Philadelphia Eagles.

38. Plaintiff's Additional Evidence lists a Philadelphia Eagles game.

39. Defendant's social media profiles also establish that he is employed as an IT Project Coordinator, with past work experience in the field of computer repair and technology.

40. Plaintiff's additional evidence lists numerous books and software concerning to information technology.

41. Based on the foregoing information, discovery will likely show that Defendant is the person who used BitTorrent in the house from where the infringement emanated. Consequently, discovery will likely show that Defendant is the person who infringed Plaintiff's copyrighted works through the use of BitTorrent.

COUNT I
Direct Copyright Infringement

42. The allegations contained in paragraphs 1-41 are hereby re-alleged as if fully set forth herein.

43. Plaintiff is the owner of the Works, which is an original work of authorship.

44. Defendant copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol.

45. At no point in time did Plaintiff authorize, permit, or consent to Defendant's distribution of its Works, expressly or otherwise.

46. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease, or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and

(D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

47. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

- (A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;
- (B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody, or control;
- (C) Order that Defendant delete and permanently remove the infringing copies of the Works Defendant has on computers under Defendant's possession, custody, or control;
- (D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);
- (E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505;
- (F) Prejudgment and post-judgment interest at the applicable rate; and
- (G) Grant such other and further relief as this Court may deem appropriate under law and equity.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: October 17, 2019

Respectfully submitted,

By: 

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Exhibit A to the Complaint

Location: Philadelphia, PA

IP Address: 98.111.145.161

Total Works Infringed: 61

ISP: Verizon Fios

Work	Hash	UTC	Site	Published	Registered	Registration
1	9A0B4B599E34B148174405F0D2DB2EBD52BB1D86	06/02/2019 13:28:16	Tushy	11/12/2018	12/10/2018	PA0002145826
2	0279F8114C90ECBC2C775793D7CD9105ED963856	05/11/2019 21:50:53	Blacked	01/15/2018	01/24/2018	PA0002101768
3	0326E8923C58852725F5A7857833A4CD3E715289	05/13/2019 22:21:49	Tushy	05/06/2017	06/16/2017	PA0002069288
4	06AA76548DD2ABCEC87073D03C55188FFE20387F	05/27/2019 16:01:56	Tushy	12/27/2018	01/22/2019	PA0002147899
5	0FC89E3591ABCE589173E6BBAD64A52E4D79299F	05/03/2019 00:25:07	Tushy	12/02/2018	12/18/2018	PA0002141917
6	14C05DD49CADBA8851E1E30C645E9C5B4DDE3F90	04/09/2019 21:35:10	Vixen	02/28/2019	03/31/2019	PA0002163973
7	169910CBB046BADCD9BCBB5A0410B8D178EF69F9	05/18/2019 00:16:05	Vixen	02/28/2018	04/17/2018	PA0002116071
8	16AD1279FD954BD4B7E9C35CA7DDAAB8121D1367	05/23/2019 14:49:44	Tushy	12/07/2018	01/22/2019	PA0002149849
9	1BA06FF511877DFA75B32024B4506A7C9BEB8D9C	05/19/2019 01:49:09	Tushy	01/21/2018	02/20/2018	PA0002104191
10	1C8DF431BA4F95863FE4DE7C7530C9327392C74E	05/06/2019 23:49:13	Vixen	01/09/2018	01/15/2018	PA0002070945
11	22DE3D0DBDC4F63D4CB286F6154F3FCCC3D7FABF	05/12/2019 14:34:30	Vixen	07/18/2017	08/10/2017	PA0002046875
12	230CAD0925ECCA9175FBB1450E92B9CCAD2CCD55	05/23/2019 01:00:24	Vixen	05/19/2017	06/22/2017	PA0002039287
13	2541261990122381387D2C03CDA34FF74B4EDE3E	05/01/2019 21:06:03	Blacked Raw	10/29/2018	12/10/2018	PA0002145837
14	298DC31A100D91C09153BAA8375C4B4E08D01500	05/28/2019 22:04:46	Tushy	04/11/2019	05/11/2019	PA0002173890
15	2A960A6B8F66D6BB2EFFB0E3BE931CF9C97881E0	05/04/2019 13:07:01	Tushy	01/06/2018	01/24/2018	PA0002101756
16	2B1BABC882B4895DC5408D9D21BB65F93F3BEEC8	05/03/2019 00:18:16	Blacked Raw	08/10/2018	09/05/2018	PA0002135668
17	2CB43429526775645D5837FE2C63CFFB1B0D2802	05/24/2019 00:01:52	Vixen	10/31/2017	12/05/2017	PA0002097990

Work	Hash	UTC	Site	Published	Registered	Registration
18	2FEF8C6862CCC28341F10FF8FB905E9CB161F500	05/08/2019 21:44:26	Blacked Raw	11/08/2018	12/10/2018	PA0002145833
19	3C2ECF682E82D48E081274FA2B9C4A95AD626BAE	05/02/2019 01:39:24	Blacked	01/05/2018	01/15/2018	PA0002099696
20	40E9B747F9F76B02D8318A9F1A8D458AE6B1DEE6	06/04/2019 20:25:32	Tushy	10/08/2017	10/19/2017	PA0002058298
21	42FA8D55C449F1B251CBDC779AF8B82B924AD80	05/31/2019 23:39:07	Tushy	11/21/2018	01/22/2019	PA0002149838
22	464AB452DA8258FA23BA74830F0D57EE7CA518C5	05/14/2019 22:21:12	Tushy	08/24/2017	09/15/2017	PA0002052837
23	48FACB22E186B79A3559DF1240089673767DFC3E	05/10/2019 23:11:33	Tushy	12/17/2017	01/24/2018	PA0002101765
24	4FF62836FC3C509617EE5DE7658EAABE045C0BA1	06/04/2019 23:46:47	Tushy	09/13/2017	10/10/2017	PA0002086153
25	5955C785662CE4EC3BC025F530BA0552003C19A3	04/09/2019 12:59:27	Tushy	10/03/2017	10/10/2017	PA0002086147
26	5C208E2ABF6083135CA52776A02D87442F215D60	05/07/2019 00:06:42	Tushy	06/15/2017	07/07/2017	PA0002070815
27	715C2B25BDAD9A8397CBBA8D15356FDE24B5BC94	05/17/2019 23:00:11	Vixen	11/10/2017	12/04/2017	PA0002097978
28	7180352F1197F512822C8C7B41CAADADB5C0F744	04/30/2019 23:40:11	Blacked	01/25/2019	02/22/2019	PA0002155136
29	75FFF19AAD5EEAF872EDD2609F1DE5443DB5AFE	05/23/2019 14:52:40	Tushy	12/20/2018	01/22/2019	PA0002147682
30	77537958D009D974B9970112342BCA232614C16F	05/06/2019 23:37:19	Blacked	01/10/2018	01/15/2018	PA0002070942
31	7AA9EE0B623B3876BDBBB4854D311BA014697009	05/10/2019 23:45:08	Blacked	11/11/2017	11/27/2017	PA0002098000
32	7C627BDADFCB1575B894A71C66ADFFB95C6EFAFE	05/01/2019 20:42:46	Blacked Raw	10/24/2018	11/25/2018	PA0002137640
33	7EE851E09AB8BD5EB069382157EDEA8F2196F6D3	05/11/2019 21:48:33	Blacked Raw	08/30/2018	10/16/2018	PA0002127777
34	8151CF541971EF70109DA42D60358D50840274AE	05/23/2019 01:10:02	Tushy	01/26/2018	02/20/2018	PA0002104196
35	83C2BE754F4FC48BDB450CAE625F879FAED66CED	05/10/2019 23:18:38	Vixen	05/09/2019	06/03/2019	PA0002178768
36	8BB074E225C6C871CDBD1831D394E9988502CEBD	05/06/2019 23:53:06	Blacked Raw	10/09/2018	11/01/2018	PA0002143427

Work	Hash	UTC	Site	Published	Registered	Registration
37	9056884C30C82FB1042FF114F99861A89E0DE773	05/17/2019 23:17:47	Vixen	12/15/2018	01/22/2019	PA0002147905
38	92D8FDB2B2AA0842E70AEBE88BD7D7EFFC9C568A	04/11/2019 16:18:50	Vixen	03/30/2019	04/29/2019	PA0002169943
39	A460BDA775DEF88F7E956E928A7FFEBFB1EB504A	05/30/2019 00:59:58	Tushy	09/18/2017	10/09/2017	PA0002086139
40	A5DAB5C75BEE5E7712B44AB312CC175F0E036C7B	05/28/2019 20:49:27	Blacked	09/17/2017	10/10/2017	PA0002086174
41	A5E505EFBC4DBA0B9AFD15CD2DD8D6285BF834B8	05/23/2019 22:22:06	Blacked Raw	09/19/2018	11/01/2018	PA0002143420
42	A90A83B444B4CCE14D07FBDCB7364C00F265F746	05/28/2019 20:50:54	Blacked Raw	02/01/2018	02/20/2018	PA0002104206
43	B13AE94A241C9D4B473BBB3C26F761F76F55D935	05/13/2019 23:31:44	Tushy	01/06/2019	01/22/2019	PA0002147897
44	B9266888029C4F2FE729EC54F40765EDAC6C4DAB	05/13/2019 22:40:14	Vixen	11/15/2017	12/04/2017	PA0002098032
45	B9E072232E0539EEBAFF9F6141443FE228C52360	05/07/2019 22:18:37	Blacked	12/21/2017	01/15/2018	PA0002070941
46	BC8CCB2274A5E7EC5CC5AF8F5DC221BD4065CA2E	05/17/2019 19:47:44	Vixen	05/04/2017	06/16/2017	PA0002069283
47	BFB0C6B34A693BC40981D11313056612733E3A70	06/01/2019 16:49:27	Tushy	11/17/2018	12/10/2018	PA0002145827
48	C341AC19AAF42185652B5AD8AA85ADDC9ED72B2C	05/11/2019 23:52:01	Vixen	12/25/2017	01/15/2018	PA0002099686
49	C67CEBFB35714146396FF2583118CA8B68E56015	05/07/2019 23:40:21	Blacked Raw	05/07/2019	06/03/2019	PA0002178775
50	C6E3BDB543EA4CE2ECC6E0EEDB3576B6297F09B0	05/12/2019 15:29:14	Tushy	09/13/2018	11/01/2018	PA0002143414
51	CC4C9F3139A74EA0F73EEEC68EFA9CE5594554F9	05/11/2019 19:33:44	Vixen	12/30/2017	01/15/2018	PA0002070944
52	CFEB7EA208DC18E592ED86D69ED4CFDFDBAC4D43	04/30/2019 23:39:24	Vixen	02/03/2019	03/24/2019	PA0002183213
53	D0BB360420E57FE725E43E8A0001D26CEABF17CC	05/24/2019 14:38:28	Blacked Raw	01/22/2018	02/20/2018	PA0002104185
54	D1FC96E10BA7748B5EB03C8BF0B6C39397B9979F	05/24/2019 00:36:41	Tushy	11/02/2017	12/05/2017	PA0002098020
55	DC9F06861F5B8306A5010D2F076FB6A6487CA9DB	05/23/2019 22:19:55	Vixen	05/24/2017	06/22/2017	PA0002039294

Work	Hash	UTC	Site	Published	Registered	Registration
56	E3EDEB068EFEC672F08F6D1B0A91619FCC9E5C53	05/08/2019 21:17:17	Tushy	06/20/2017	07/07/2017	PA0002070816
57	EA940B8AA781644B98523FD3D1B0B6809C9A5229	05/19/2019 01:31:49	Blacked	11/21/2017	01/04/2018	PA0002069353
58	EB209A2C769C32FFB78C53365CEFBDA980B65157	05/03/2019 00:23:56	Tushy	12/12/2018	01/22/2019	PA0002147902
59	EF2EAC4726A1D3E00AEED333D69582FB39066114	04/28/2019 23:54:28	Vixen	04/29/2017	06/15/2017	PA0002037568
60	F8C4EB3462B1DFE18B765962D874BB49B6168B0F	05/03/2019 01:36:13	Tushy	11/02/2018	12/10/2018	PA0002145834
61	FE02F2A21D11DA6DDD57334B205EE6AAC2A01263	05/11/2019 01:22:19	Vixen	01/04/2018	01/15/2018	PA0002070947